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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,998	06/14/2006	Koichi Miyachi	1035-643	6969

23117 7590 10/10/2007  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
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MOONEY, MICHAEL P

ART UNIT	PAPER NUMBER
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2883

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/582,998

Applicant(s)

MIYACHI ET AL.

Examiner

Michael P. Mooney

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/10/07, 5/1/07, 6/14/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5, 20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumura et al. (20030090448).**

Tsumura et al. teaches a display device comprising (i) a pair of substrates, at least one of which is transparent (e.g., paragraph 0025), (ii) a medium provided between the substrates (e.g., paragraph 0025), and (iii) a display element including a first electrode and a second electrode for applying an electric field to the medium so as to carry out a display (e.g., paragraph 0025), the first electrode and the second electrode being connected to separate switching elements (e.g., paragraphs 0025, 0063; figs. 1-9, 16, 24-25).

Thus claim 1 is met.

Each and every element of each of claims 2-3, 5, 20 is taught by Tsumura et al. at, e.g., paragraphs 0025, 0063; figs. 1-9, 16, 24-25. Thus claims 2-3, 5, 20 are met.

Regarding claim 22, Tsumura et al. teaches wherein the first and second electrodes generate an electric field along a direction parallel to surfaces of the

substrates at, e.g., paragraph 0006 (paragraphs 0025, 0063; figs. 1-9, 16, 24-25). Thus claim 22 is met.

**Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Okishiro et al. (20030052847).**

Okishiro et al. teaches display device comprising (i) a pair of substrates, at least one of which is transparent, (ii) a medium provided between the substrates, and (iii) a display element including a first electrode and a second electrode for applying an electric field to the medium so as to carry out a display, the first electrode and the second electrode being connected to separate switching elements (figs. 1-4). Thus claim 1 is met.

Okishiro et al. teaches wherein the display device includes a plurality of the display elements, each of which includes a first signal line and a second signal line, and the first electrode and the second electrode being connected to separate signal lines via separate switching elements. Thus claim 2 is met.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 4, 6-19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumura et al. (20030090448).**

Tsumura et al. teaches a display device comprising (i) a pair of substrates, at least one of which is transparent (e.g., paragraph 0025), (ii) a medium provided between the substrates (e.g., paragraph 0025), and (iii) a display element including a first electrode and a second electrode for applying an electric field to the medium so as to carry out a display (e.g., paragraph 0025), the first electrode and the second electrode being connected to separate switching elements (e.g., paragraphs 0025, 0063; figs. 1-9, 16, 24-25). Thus claim 1 is met.

Each and every element of claims 4, 6-19, 23 is rendered as obvious Tsumura et al. since, although the claim elements may not be expressly stated by Tsumura et al., it would have been obvious to do so because it is conventionally known to use the structures/elements in the designs already presented by Tsumura et al. for the purpose of providing a efficiently functioning liquid crystal device.

Thus claims 4, 6-19, 23 are rejected.

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okishiro et al. (20030052847).**

Okishiro et al. teaches display device comprising (i) a pair of substrates, at least one of which is transparent, (ii) a medium provided between the substrates, and (iii) a display element including a first electrode and a second electrode for applying an electric field to the medium so as to carry out a display, the first electrode and the second electrode being connected to separate switching elements (figs. 1-4). Thus claim 1 is met.

Okishiro et al. teaches wherein the display device includes a plurality of the display elements, each of which includes a first signal line and a second signal line, and the first electrode and the second electrode being connected to separate signal lines via separate switching elements. Thus claim 2 is met.

Although Okishiro et al. does not explicitly state "a first auxiliary capacitor in which one electrode is connected to the first electrode; a second auxiliary capacitor in which one electrode is connected to the second electrode; and an auxiliary capacitor wire connected to the other electrode of the first auxiliary capacitor and the other electrode of the second auxiliary capacitor" it would have been obvious to do so because it is conventionally known to provide such a capacitor arrangement in the configuration(s) of Okishiro et al. for the purpose of providing a efficiently functioning liquid crystal device.

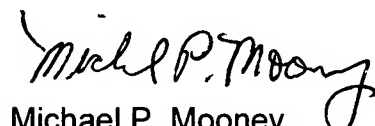
Thus claim 21 is rejected.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Mooney  
Examiner  
Art Unit 2883

  
Frank G. Font  
Supervisory Patent Examiner  
Art Unit 2883

FGF/mpm  
9/29/07